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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,408	08/27/2003	Robert Porter	5065-0001	6554
7590	05/31/2005		EXAMINER	
Michael L. Diaz Michael L. Diaz, P.C. Suite 200 555 Republic Drive Plano, TX 75074			GARY, ERIKA A	
			ART UNIT	PAPER NUMBER
			2681	
			DATE MAILED: 05/31/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/650,408	PORTER, ROBERT
	Examiner	Art Unit
	Erika A. Gary	2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 August 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/27/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims states that the timer *is initiated* upon the mobile phone dialing the specified telephone number, but then also states that the mobile phone dials the specified telephone number *upon passage* of a time period determined by the timer. This claim is not clear. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8 and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicant's submission of prior art, Alpert, US Patent Number 5,742,666 (hereinafter Alpert).

Regarding claims 1 and 15, Alpert discloses an emergency call system, said system comprising: a transmitting unit carried by an individual, said transmitting unit having an on/off switch and a microphone; a mobile phone; and a receiving unit communicating with said transmitting unit and said mobile phone; whereby the individual actuates the on/off switch of said transmitting unit to send a signal to said receiving unit, said receiving unit sending a signal to said mobile phone to dial a telephone number specified by the individual, said mobile phone dialing the specified number and connecting a one-way call from said transmitting unit to the telephone number to provide audio signals received from the microphone to the specified telephone number [col. 3: lines 6-22; col. 6: lines 28-42; col. 10: lines 11-34].

Regarding claims 2 and 16, Alpert discloses a service center associated with the specified telephone number [col. 6: lines 35-38].

Regarding claims 3 and 17, it is inherent in the art for a service center to have an audio recording to record all audio signals received from said transmitting unit.

Regarding claim 4, Alpert discloses said service center includes at least one staff member monitoring received audio signals from said transmitting unit, said staff member providing appropriate assistance to the individual based upon monitored received audio signals [col. 6: lines 35-38].

Regarding claim 5, Alpert discloses said staff member communicates via said mobile phone with the individual, thereby providing a two-way call to the individual [col. 6: lines 43-49].

Regarding claim 6, Alpert discloses said mobile hone includes a buffer for storing received audio signals from said transmitting unit prior to call completion [col. 9: lines 20-25].

Regarding claim 7, Alpert discloses said receiving unit includes a buffer for storing received audio signals from said transmitting unit prior to call completion col. 9: lines 20-25].

Regarding claim 8, Alpert discloses said receiving unit is integrated into said mobile phone [col. 3 lines 6-7].

4. Claims 1-5, 9, and 14-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Wade, US Patent Application Publication Number 2003/0027547 (hereinafter Wade)

Regarding claims 1 and 15, Wade discloses an emergency call system, said system comprising: a transmitting unit carried by an individual, said transmitting unit having an on/off switch and a microphone; a mobile phone; and a receiving unit communicating with said transmitting unit and said mobile phone; whereby the individual actuates the on/off switch of said transmitting unit to send a signal to said receiving unit, said receiving unit sending a signal to said mobile phone to dial a telephone number specified by the individual, said mobile phone dialing the specified number and connecting a one-way call from said transmitting unit to the telephone number to provide audio signals received from the microphone to the specified telephone number [paragraphs 0010-0014, 0022, 0023, 0283].

Regarding claims 2 and 16, Wade discloses a service center associated with the specified telephone number [paragraph 0010].

Regarding claims 3 and 17, it is inherent in the art for a service center to have an audio recording to record all audio signals received from said transmitting unit.

Regarding claim 4, Wade discloses said service center includes at least one staff member monitoring received audio signals from said transmitting unit, said staff member providing appropriate assistance to the individual based upon monitored received audio signals [paragraph 0276].

Regarding claim 5, Wade discloses said staff member communicates via said mobile phone with the individual, thereby providing a two-way call to the individual [paragraph 0291].

Regarding claims 9 and 18, Wade discloses said mobile phone includes a voice activation system which automatically dials a specified telephone number upon receipt of a specified voice activation signal; said receiving unit generating a specified voice activation signal upon receipt of the signal from the transmitting unit [paragraph 0014].

Regarding claim 14, Wade discloses a service center having the specified telephone number [paragraph 0010]. It is inherent in the art to respond to completion of the one-way call by sending a call complete message to said mobile phone.

Regarding claim 19, Wade discloses before the step of actuating the transmitting unit by the individual, the step of selecting a desired telephone number from an audio signal selector [paragraph 0023].

Regarding claim 20, Wade discloses an emergency call system, said system comprising: a transmitting unit carried by an individual, said transmitting unit having an on/off switch and a microphone; a mobile phone having a voice activation system; a receiving unit communicating with said transmitting unit and said mobile phone; and a service center having the specified telephone number whereby the individual actuates the on/off switch of said transmitting unit to send a signal to said receiving unit, said receiving unit sending a signal to the voice activation system of said mobile phone to dial the telephone number specified by the individual, said mobile phone dialing the specified number and connecting a one-way call from said transmitting unit to said service center to provide audio signals received within the microphone to the specified telephone number [paragraphs 0010-0014, 0022, 0023, 0283]. It is inherent in the art for service centers to record the received audio signals..

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wade.

Regarding claims 10 and 11, Wade does not specifically disclose enabling the individual to select one of at least two telephone numbers and indicating the selected

telephone number. However, the Examiner takes Official Notice that it is well known in the art for emergency devices to provide selection of various phone numbers for different emergency response teams. At the time of the invention, it would have been obvious to one of ordinary skill in the art to include this feature so the user can select the appropriate response team to respond to their call. It would have also been obvious to indicate the selected number to the user to ensure the user that they are contacting the desired party.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alpert in view of Carley, US Patent Number 6,574,484 (hereinafter Carley).

Regarding claim 12, Alpert does not specifically disclose the mobile phone sending a header message providing information on the individual to the specified telephone number. However, Carley teaches this limitation [col. 3: line 58 – col. 4: line 8]

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Alpert to include Carley. The motivation for this combination, as suggested by Carley, would have been to provide the emergency response party with relevant information about the user that the user might not be able to communicate at the time [col. 2: lines 38-46].

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chek et al., US Patent Number 5,640,147, disclose a child monitoring device.

Salzhauer et al., US Patent Application Publication Number 2004/0137959, disclose a personal monitoring system.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 571-272-7841. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ERIKA A. GARY
PRIMARY EXAMINER

EAG
May 25, 2005